

**MINUTES OF THE REGULAR MEETING OF THE
WASHINGTON STATE TRANSPORTATION COMMISSION
October 21 & 22, 2008**

The regular meeting of the Washington State Transportation Commission was called to order at 9 A.M., on October 21, 2008, in Room 1D2 of the Transportation Building in Olympia, Washington.

Commissioners present at the meeting were: Chair O'Neal, Bob Distler, Dick Ford, Elmira Forner, Carol Moser and Philip Parker.

MINUTES APPROVAL

It was moved by Commissioner Forner and seconded by Commissioner Parker to approve the minutes of the June 17, 2008 local meeting in Moses Lake. The motion passed unanimously. Approval of the July 15 & 16, 2008 meeting minutes was deferred.

**UPDATES ON THE ALTERNATIVE FUELS CORRIDOR ECONOMIC
FEASIBILITY ANALYSIS AND THE FERRY TERMINAL DEVELOPMENT AND
PARTNERSHIP OPPORTUNITIES STUDY**

Jeff Doyle, Director, Public Private Partnerships, WSDOT, explained that today's presentation is a progress report on two topics that have been in the research and development phase. The first one is the Alternative Fuels Corridor Project. This is a multifaceted approach to try to instigate the retail deployment of alternative fuels up and down the I-5 Corridor. It is important to highlight this project because it is an example of how public/private partnerships can be used not only to advance capital projects and infrastructure improvements, but also to advance important public policy. In this instance it is environmental mitigation, promoting energy independence and support for both new businesses and new technologies in the fuel sector.

The second progress report relates to the Joint Development Economic Feasibility Study (PPP opportunities at ferry terminals). As a quick highlight the three terminals discussed represent a slightly different case for public/private partnerships, so if or when any of these partnerships move forward it's important to remember the distinction between the three. Bainbridge Island represents an opportunity to gain some modest improvements for the riders and also some amenities for the community. The Edmonds terminal presents an entirely different case. Analysis of the Edmonds terminal is really about how we can partner with the private sector to start addressing some of the identified transportation operational challenges at the terminal. Lastly is Coleman Dock, which has tremendous potential not only for WSF, but also for the City of Seattle. Obviously it is tightly intertwined with the central waterfront decisions related to the Alaskan Way Viaduct, and as such a wait and see approach has to be taken.

Commissioner Forner questioned if any legislative action will be necessary to move forward.

Mr. Doyle responded that the Department has adequate authority with the public ferry terminal development and alternative fuels corridor (at the state level, but there are some at the federal level) where the Legislature may need to endorse development.

Commissioner Distler questioned if there is any indication that suppliers would be willing to step up to an alternative fuels project in the corridor.

Mr. Doyle deferred the question to the consultant.

Kim Johnson, Project Development Manager, Public/Private Partnerships, WSDOT and Brent Baker, PB Consulting, provided an overview of the Alternative Fuels Corridor Project. Ms. Johnson explained that the project is to help incubate the acceptance of alternative fuels and stimulate private investment along the I-5 corridor.

Essentially WSDOT owned land would be used for alternative fueling stations on the I-5 corridor to meet the emerging need for such supplies for the traveling public through Washington, Oregon and terminating in Baja, California. This project consists of a framework of international interstate agreements, federal programs and approvals and Washington State policies, Legislative directed work and potential partnerships with private and public entities.

In June 2008 WSDOT and the Province of British Columbia entered into a Memorandum of Understanding (MOU) to promote the establishment of alternative fueling along Highway 99/I-5 Corridor. This MOU also contained an agreement to coordinate efforts to attract public/private infrastructure investment to further distribution along the corridor.

In October 2008 Washington, Oregon and California DOT's signed an MOU agreeing to work together to foster the use of alternative fuel vehicles by developing the distribution network for alternative fuels throughout the I-5 Corridor.

Commissioner Moser inquired if there is a fuel standard for the State of Washington for fuel that is currently on the market.

Ms. Johnson responded that the issue is being looked at. She wasn't certain about current fuel standards in the state.

In 2007 USDOT announced that the I-5 Corridor was designated as a Corridor of the Future. Part of the application by Washington, Oregon and California included the development of alternative fuel distribution along the corridor as a possible interstate initiative. Additionally the three states have recently submitted a joint application to FHWA asking for permission to offer alternative fuels to the public on state right-of-way and possibly at safety rest areas. Alternative fuel usage offers several tax incentives and potential financial assistance, expedited permitting assistance and executive orders in place to encourage private enterprise and the public to move to alternative fuel vehicles and a more environmental fuel.

WSDOT's Public Private Partnership Office will complete an analysis this year that explores the feasibility of public/private partnerships for the retail distribution of alternative fuels.

Mr. Baker explained that the approach taken has been to look at the feasibility of the alternative fuels corridor. The study was broken into tasks that included modeling; an overview of the supply chain and distribution network and identifying the minimal/optimal spacing requirements of stations.

Chair O'Neal pointed out that the state will not make a profit from this project.

Ms. Johnson responded that that is correct. A part of the study looks at the economic feasibility to try and gauge what kind of investment the state would have to provide to incentivize the development of the alternative fuels corridor. This is probably not a project where the state is going to seek to bring in a lot of revenue, but rather to bring in an environmental benefit and ease off dependence on fossil fuels.

Commissioner Forner expressed concern that bio fuel will have a very short life. She questioned if the infrastructure would be adaptable to changing market conditions.

Ms. Johnson responded that part of the analysis looks at this issue and flexibility is definitely one of the modals.

Commissioner Moser expressed concern regarding the state using safety rest areas for fueling stations. She also noted that she is concerned about private businesses being able to compete in this type of market place.

Commissioner Distler questioned if the public/private partnership modal would shift risk onto the state for "sunk" money that has been invested.

Mr. Doyle responded that WSDOT will not be doing any alternative fueling stations that require state financial investment of any significance. Probably no more than a right-of-way to state owned land would be offered or perhaps assisting with aggregating tax credits.

Ms. Johnson moved on to explain the joint development opportunities at WSF terminals. Phase II of the study assesses properties nearby each of the terminals to determine if they could be utilized. It was determined that Edmonds, Bainbridge and Seattle exhibited strong potential for development and project benefits such as increased fare box revenue or increasing walk-on ridership. Secondary goals are enhanced transit ridership, land use or economic development or revitalization occurring around the terminals that WSDOT can be a part of. The final step in the process was to test the financial feasibility of the options that consisted of development constraints and opportunities.

Chair O'Neal questioned if there would be revenue generated.

Ms. Johnson responded that there would probably not be a lot of revenues generated, but those that were might be used for terminal improvements.

In closing Mr. Doyle pointed out that state funding would not be shifted or invested in a public/private partnership, but used to unlock some of the hidden value in an asset that may benefit the operations of the ferry system.

OVERVIEW OF DESIGN-BUILD APPLICATIONS IN WASHINGTONS STATE

Duke Schaub, Duke Schaub Associates, noted that this presentation is an outgrowth of a presentation that was given to the Commission by WSDOT on design build. He provided an overview of the working relationships between WSDOT and the contracting community, noting that former Secretary MacDonald credited the partnership agreement and working committees and task forces for a dramatic reduction in contract disputes, claims and litigation between the contracting community and the Department.

Max Kuney, Max J. Kuney Company, pointed out the collaboration between the industry and WSDOT has been very successful and a useful tool on design-build appropriate projects. The design build task force consisted of both local and national experience on design build projects. Standing committees meet monthly and discuss best practices and how they can be incorporated into the way we do business. There is also a structures team that that meets and does constructability review of upcoming projects, as well as looking at standard specs related to structures ect. This interaction is extremely effective.

Chair O'Neal questioned how the public benefits from the collaboration.

Mr. Schaub responded that the obvious benefit is that the Department has fewer complaints, claims, issues, litigation and lawsuits than agencies of a similar nature around the country.

Mr. Kuney indicated that there are several advantages to design build whereas in this process typically the lower bidder is successful more often than not. Included in this proposal are additional services that you wouldn't find in bid build, such as design, but also inspection and environmental compliance, public involvement and utility coordination. The contractor owns the design instead of WSDOT since the designer of record works for the design build team. Overall you will find that delivery is faster than conventional projects simply because you will design and concurrent construction going on at the same time. There are also certain risks that are transferred to the design builder from WSDOT, which provides a single point of responsibility to WSDOT. The key is that the industry buys in on these things, so there are no arguments.

Commissioner's discussed the opportunities that design build offers both the contractor and the Department.

Mr. Kuney pointed out that design build does not work for all projects, but it is a tool that WSDOT can use for some projects, where it makes sense to do so. It's important that the team knows how they want the project delivered.

Commissioner Distler expressed concern that there might be sole bidders.

Mr. Kuney responded that it doesn't happen very often and lack of competition isn't a problem in the design build or design bid build area.

Chair O'Neal commented that this is very interesting, at least from the ferries stand point, because he sense that the ferry system wants to design the ferry and put it out for bid. This raises several questions and apparently ferries built under the design build program had operational problems.

Mr. Kuney emphasized that the design build process is a more efficient delivery method in some cases. At the end of the day the facility is turned over to WSDOT to operate.

Commissioner Distler iterated that participation of the Department is of key importance even in a design build situation.

In closing Mr. Kuney emphasized that WSDOT is working with the industry to take best practices and be more performance based instead of prescriptive. He explained that WSDOT is presenting legislation this year to reduce the amount required on performance bonding for large jobs. Also there are some taxation issues on professional services involved with design build. The Commission may be asked in the future to support a recommendation that the cost of taxes be more in line to bid build.

Mr. Schaub explained that in terms of the overall budget if the taxation issue were resolved it would save money on the overall project.

PUBLIC COMMENT

No public appeared for comment.

SAFETY REST AREA STRATEGIC PLAN

Yvonne Medina, Facilities Administrator, Maintenance and Operations Division, WSDOT, explained that the Safety Rest Area (SRA) Plan is currently in draft form in the review process. Today's presentation will cover the process and the purpose of the SRA Plan, the program vision and key outcomes. If funding opportunities present themselves SRAs would have improvements such as; truck parking electrification (allows the truck to plug in to an electrical outlet so that the truck would not have to set and idle) although this is precluded by federal law. There would be interactive kiosks, staffed welcome centers and playgrounds. SRA's would be preserved and improved to accommodate these additional needs. If and when there is an opportunity to expand lower cost rest areas would be looked at. They would be constructed on state routes based on safety (reducing fatigue related collisions). A key outcome would be to add four to seven additional rest areas by 2019. Twenty six of the forty six SRAs are deficient and in poor condition and need replacement, at an approximate cost of \$13 million, preservation and improvement \$16 million. There are funding opportunities in grants and public/private partnerships. The Department's goals and business direction in the SRA Program over the next two years is to replace buildings, pursue public/private partnerships, develop a master plan and evaluate the feasibility of reducing truck idling at rest areas, and finally linking the WSDOT's business directions for 2009-2015, and the 2007-2026 Highway System Plan.

Commissioner's expressed concern that the SRAs might not be located in an area where they would reduce the number of fatigue related collisions. It may require further research to establish these locations. Also it is important to remember that the use of the term "Safety Rest Areas" must remain consistent as opposed interchanging it with "rest areas." Possibly a better matrix to use would be to analyze what kind of safety improvements are going to get us the most bang for our buck, and what is the safety criteria that will be used to meet the specific needs as an investment into the future.

UPDATE ON RAIL COST-BENEFIT ANALYSIS

Scott Witt, Director, State Rail Office, WSDOT, provided an overview of the history surrounding the legislative directive. Priorities given were for economic safety and environmental advantages of freight movement. An advisory group was formed that involved several other agencies as well as private railroads. The advisory group adopted the Statewide Rail Capacity System and Needs Study; shared information on applying tools, values and measures; applied quantitative and qualitative measures as well as incorporating multiple stakeholder interests. Projects will be brought to the Rail Office for consideration and will be assessed and ranked internally for prioritization lists for funding. There will be two lists the first list the state will be spending less than \$1 million on a specific project. The full list is far more robust and rigorous and goes into a lot more detail for public benefit. Once again this list is a submittal process where the application is run through an analysis.

Chair O'Neal inquired if there have been a lot of applications.

Mr. Witt responded for grants there have been 15 and for loans there has only been one application.

Commissioner Moser questioned how the matrix tool was developed.

Mr. Witt responded that the matrix tools used were directed by the Legislature.

Commissioner Distler pointed out that he finds it amazing that external and economic impacts are part of the things that in affect legislatively directed for the Rail Office to do, and yet at the very same time those things were removed from our priorities in the WTP and specifically excluded from consideration regarding the ferry system to name but two. He questioned if they are in the Aviation Study.

Commissioner Moser responded that they are not.

Commissioner Distler noted that it amazes him that they are in rail and nothing else. This question needs to be asked. Are these things in fact in the legislative direction?

Mr. Witt wrapped up the presentation with an example of the methodology used when calculating user benefits and project management standards.

Commissioner discussed the possibility of running a project through the matrix and providing the outcome data for review.

Mr. Witt responded that it can certainly be done, although it would not be a mega project, because there have been no applications submitted for a mega project.

COMMISSION BUSINESS

Annual Report

Paul Parker, Senior Policy Analyst, WSTC, distributed a draft of the 2008 Annual report for review and comment.

Commissioner's discussed the content and length of the report and expressed that the report must be focused on factual information, as well as in part on local perspectives drawn from the Commission's local outreach meetings. Also information should be included from what the Commission heard at the Ferry Advisory Committee meetings and highlights of the Ferry Survey. The Commission discussed how the information in the report would/should be presented.

2009 Ferry Fare Subcommittee establishment

It was moved by Commissioner Moser and seconded by Commissioner Forner to nominate Dan O'Neal, Dick Ford and Bob Distler to serve as the members of the Ferry Fare Subcommittee. The motion passed unanimously.

WTP Subcommittee establishment

Reema Griffith, Executive Director, reminded Commissioners that they should begin giving some consideration to nominating WTP team members.

Overview of TIB Agency Request Legislation

Ms. Griffith explained that this bill would transfer route jurisdiction to the Commission. The bill has been submitted and a fiscal note has been filed.

Draft 2009 Commission meeting schedule

Ms. Griffith presented the draft 2009 Commission meeting schedule. Commissioner's discussed the proposed dates and adjusted the calendar per their schedules. The schedule will be adopted at the November Commission meeting.

Commissioner reports

Commissioner Parker reported that he has attend JPAC meetings in Portland discussions included the Columbia River Crossing I-5 bridge. He also attended a local ribbon cutting ceremony.

Commissioner Forner shared that she has been working with Senator Parlette and the owner of the Lady of the Lake, Jack Raines on issues. She also shared that she visited the new Amtrak platform that is under construction in Leavenworth. She also attended three of the FAC meetings.

Commissioner Moser shared that she sat on a panel at the All Weather Road Roundtable in Moses Lake. She shared that the latest draft policy for LATS has been unveiled. She also presented the Transportation 201 presentation at a Good Roads conference.

Commissioner Distler shared that the majority of his activity in the past month has been with ferries. He shared that the Interisland FAC meeting had a good turnout. His general impression from all of the meetings that he attended is that people are beginning to realize that there is a problem and its enormity is sinking in with the communities and the press too. Although some believe that somehow the Legislature will come to their rescue. He shared that he had a meeting with Jill Satran, OFM, where they discussed the anomaly of the difference of the assumptions being used in the Long-Range Ferry Plan and the budgetary instructions that went out to the agency about mostly affecting inflation of fuel and labor. He also met with a local group on Orcas Island regarding ferries.

Chair O'Neal shared that he attended several FAC meetings. He also feels that people are recognizing that there are financial problems in the ferry system. He also attended a meeting at PSRC regarding Sound Transit.

SR 167 HOT LANES UPDATE

Craig Stone, Administrator, Urban Corridors Office and Patty Rubstello, Tolling and Systems Development Engineer, Urban Corridors Office, WSDOT, provided an update on the SR 167 High Occupancy Toll (HOT) Lanes Pilot Project. Mr. Stone noted that the first HOT lanes opened May 3, 2008. He pointed out that the project, as a pilot, has pros and cons. It was easy to take a running HOV facility that had extra space that could be sold. There are good observations as to how the public is responding to electronic tolling and the facility is being driven. There are still questions in the future regarding occupancy rates as to how an existing 2 plus facility can be used as a 3 plus facility and run it as a HOT lane. There have been a fair number of complaints regarding the "white stripes" that prevent access in and out of the lane. The positives have been up to a 10-minute time savings for users during peak travel times. There is a lot more to learn about the corridor.

Patty Rubstello noted that the average toll rate has been around \$1 dollar with the highest toll being \$9 dollars, which is the max toll rate. Traffic continues to grow in the HOT lanes over the course of the last five months, with the highest being over 14 hundred. Revenue collected is running below what was originally projected for the first year. This may be due to a lack of marketing the transponders.

Commissioner Ford asked if any of this would help us better understand how a system like this might work on express lanes, where everybody pays except perhaps transit? Using real-time pricing is there any lessons that could be used if some of the routes went to express lanes?

Mr. Stone responded absolutely. That is part of what was put forward in the Moving Washington proposal is saying how do we operate the system efficiently, how do we get the most out of our infrastructure and how do we use the express lanes that the public right now recognizes; we have the I-5 and I-90 express lanes, how would they operate, but also how would the HOV lanes that potentially connect to those also operate as a express lane system. There needs to be more study on this to determine how we move forward with our current infrastructure investments.

Secretary Hammond pointed out that HOT lanes are working well around the country. The challenge is seeking out Legislative funding in the 2009 session to do more HOT lane analysis. She briefly commented about HOV lane expansion in the Pierce County area due to growth.

Ms. Rubstello shared that that early on there were a lot of complaints regarding access restrictions and the double white stripe, but over time that has been dropping off. There have been some compliments from people letting us know that they value the service. Some respondents asked why we are not applying the HOT lane concept to other facilities. The customer service survey indicated that over two thirds of the customers that completed the survey said they were likely or very likely to use HOT lanes again. People that were not satisfied had not shielded their transponder while carpooling and were charged.

New signage has been installed to aide in access points as well. Overall law enforcement feels that SR 167 is performing well from their perspective. The operational software for the lanes continues to be refined to optimize performance to encourage use of the lanes. Additional survey work is planned for later in the year.

Secretary Hammond pointed out that SR 167 HOT Lanes is just one way the Department is operating the transportation system more effectively for congestion relief and for good operations, making the most of the use of the existing system. As the Moving Washington three-part strategy has evolved to build strategically and to operate the system well. These are the kinds of things WSDOT is pushing forward to enable better use of the existing system. Today we have active traffic management, the HOT lanes and incident response. All of these fit around one strategy of operating the system well. Technology is now evolving to the point where the Department is cautiously moving forward to better manage the system.

Commissioners and Ms. Hammond discussed the potential impacts to the HOT lanes if Initiative 985 were to pass.

ACTIVE TRAFFIC MANAGEMENT APPLICATIONS

Mr. Stone opened the presentation explaining that the purpose of active traffic management is to get better utilization and efficiency out of our facilities. There will be traffic management projects on Interstate 5, State Route 520 and Interstate 90 that will open in 2010. Using smarter roadway technology to improve traffic flow and reduce delay is a key element of WSDOT's three-point plan for reducing congestion. Today's technology provides real-time driver information, ramp meters, incident response, signal optimizing and using HOV lanes more efficiently as HOT lanes. This would require installing overhead speed and lane control signs (gantry), allowing drivers to use the shoulders during peak commute where it is safe to do so, building emergency pull off areas and signs that allow drivers to make better reroute decisions. Based on what has been learned overseas all of our major corridors are prime candidates for active traffic management.

Ms. Rubstello explained that WSDOT will be installing electronic travel time signs on Interstate 5 in the Bellevue/Seattle area next year. This project is funded out of the Viaduct Moving Forward Program. These signs will allow drivers to have real-time travel information that updates changing traffic conditions.

Commissioner Moser indicated that this system could possibly be used in any high accident area as well.

Ms. Rubstello ran a demonstration video that showed how the dynamic signage operates. She moved on to share that the third project that is being developed is the Lake Washington Urban Partnership Project with the support of USDOT, where early tolling of SR 520 is being looked at, but as well the implementation of active traffic management techniques on both corridors.

In closing Mr. Stone indicated that he believes this is the next logical progression for traffic management technology applications.

UPDATE ON OFFICE OF FINANCIAL MANAGEMENT'S BENCHMARK AND PERFORMANCE MEASURE REVIEW OF TACOMA NARROWS BRIDGE OPERATIONS

Clint McCarthy, Budget Assistant to the Governor, Office of Financial Management (OFM), explained that the 2008 Supplemental Budget directed OFM to develop a benchmark study of tolling operations and WSDOT to prepare a report on incentives to control tolling operations costs. OFM and WSDOT are combining these two reports into one in order to maximize resources. This report will focus on WSDOT's tolled facilities to assess whether the operational costs are appropriate, to identify incentives for users, contractors and WSDOT to create efficiencies. It will also evaluate the right balance between contractor and state responsibilities. A consulting firm, PBS&J, will evaluate the cost of toll facilities on the TNB and SR 176 in comparison to other tolled facilities across the country and develop toll operating cost benchmarks based on that evaluation. Benchmarks have limitations because of the differences in tolling facilities. There needs to be a mix and match approach to find similarities between facilities. Essentially facilities would be compared to like facilities nationwide. Operational measures that will be looked at are toll collection operating costs as a percentage of annual toll revenue, average toll collection operation cost per toll transaction, percentage of electronic vs. manual toll transactions and the number of electronic toll customer accounts per employee (state or consultant).

Mr. Stone explained that depending on where pricing and tolling proceeds beyond the two tolling facilities that we now have, we clearly have a policy direction leaning towards having a single back office approach. Some of the efficiencies to reduce costs would be to take a statewide approach such as one back office, common equipment and one stop shopping. Accountability would include contractual requirements for vendors, such as 99.5 percent toll system accuracy, handling 80 percent of inbound calls within 30 seconds and correctly entering 99.9 percent of license plate review data on the first try. How we move forward depends on Legislative direction.

Reema Griffith, Executive Director, WSTC, questioned how input from the Commission is envisioned.

Mr. McCarthy explained that the Commission should provide comments on today's presentation within the next two weeks.

CHAIRMAN'S PLATFORM

Chair O'Neal presented a draft Commission platform for consideration. He explained that he has two areas of particular importance: 1) meeting the Commission's statutory obligations and 2) providing useful advisement and input to the Governor and the Legislature on pressing policy issues.

He explained that he is involved with the Puget Sound Partnership, which is a high priority for the Governor, in cleaning up Puget Sound. Given the direct role of transportation and the environment transportation should enhance its relationship with the Puget Sound Partnership. The Commission should also continue to play an active role in the reduction of emissions, exploring alternative sources of transportation revenue and the operational safety of our highways.

Commissioner Moser suggested that the Commission should better understand what is happening with transportation reauthorization issues as well. She requested that information on LATS be added as well.

Commissioner Forner expressed that there are real safety concerns on rural highways and it should be considered a priority. She suggested that rumble strips and lighting on rural highways be added.

Chair O'Neal noted that it's a challenge, but the big challenge is managing storm water runoff into Puget Sound.

Secretary Hammond emphasized that it's not necessarily spending more money, but spending it smarter and using more progressive mitigation.

OVERVIEW OF I-90 ENVIRONMENTAL IMPACT STATEMENT

Brian White, Assistant Regional Administrator, Project Development, explained that the final environment impact statement has been published and FHWA has signed off and permitting is in process. This project is located in a unique environment within national forests and wildlife habitats. It will improve I-90 by providing a safer, more efficient six-lane freeway from Hyak to Easton. The first five miles of the project from Hyak to Keechelus Dam will straighten roadway curves, replace old pavement, and reduce rock fall and avalanche hazards. Wildlife crossings will be built over and under I-90 for the safe movement of wildlife and enhance wetlands and habitats throughout the corridor. The next step for the I-90 project is to finish design and move into phasing in February and construction in the spring.

Commissioner Moser questioned if a tolling facility has been considered.

Mr. White responded that there will be options for a tolling facility if the Legislature takes that direction. There is no design or preliminary scoping for a tolling plaza, although it can be done near Easton.

Commissioner Forner asked if there will be a way to get the trucks out of the way for highway maintenance during the winter.

Mr. White responded that they are trying to provide areas where the trucks can pull over. Another issue is where to put the snow that has been removed from the roadway. WSDOT is looking at several solutions for winter road maintenance issues.

Commissioner Forner expressed her concerns regarding traffic diverting if I-90 is tolled.

Secretary Hammond responded that if a toll were collected on I-90 it would probably be near the bridge. There is a question that if I-90 is tolled should it be on the west or east side of Mercer Island or both.

TOLLING IMPLEMENTATION COMMITTEE DECISION

David Hopkins, Director, Government Relations and Communications, Urban Corridors, WSDOT, provided an overview of the direction that the committee is taking in developing the Legislative report. The committee has been tasked with engaging the public, citizens, local jurisdictions and businesses into discussion about tolling the SR 520 corridor. The committee is charged with evaluating traffic diversion from SR 520 to other routes, including SR 522, look at advanced tolling technology (no toll booth), as well as applications of emerging technology such as active traffic management. The committee will also look at ways to partner with the business community and local officials. The committee will also conduct public open houses in order to hear the public's comments about tolling the corridor. The committee will make a report to the Governor and Legislature in January 2009.

The committee has engaged citizens in these topics:

- Funding a portion of the SR 520 replacement project with tolls on the existing bridge.
- Funding the SR 520 replacement project and improvements on the I-90 Bridge with a toll paid by drivers on both bridges.
- Providing incentives and choices for transit and carpooling.
- Implementing variable tolling as a way to reduce congestions.

Construction on the new bridge would begin in 2009 with an expected completion date of 2014. The committee is charged with filling the current funding gap on the bridge. There are large contributions from federal funds (risk pool), the state gas tax fund and federal bridge funds. About half of the cost remains to be funded from tolls \$3.9 billion. One of the problems is that the federal funding will not be available until after the bridge is completed, so this means that the federal funding will need to be advanced through bonding or some other mechanism, which increase the finance costs of the project slightly.

This method of tolling will be somewhat different than the Tacoma Narrows Bridge and SR 167 HOT lanes. The proposal is for complete electronic toll collection, which will require a transponder (Good To Go) account. This method will eliminate toll booths and cash collection, which is costly. Variable tolling is a new concept and market penetration is very important. The criteria that the committee established is "are the tolls reasonable" and secondly do the tolls generate enough funds to cover the gap and lastly what are the possible impacts for diversion from the various toll structures that are put in place.

Evaluation criteria examined:

- Stay on SR 520 but switch to carpool or transit.
- Stay SR 520 but switch to different times.
- Travel on different routes
- Choose a different destination
- Bridge performance (potential congestion relief).
- Impact of tolls on low income bridge users.

Initial scenarios examined:

- Only SR 520 Bridge tolled – Tolling begins in 2016 when the SR 520 corridor is complete (includes bridge and segment tolls).
- Start tolling SR 520 Bridge in 2010. Tolling the existing bridge begins in 2010 (no segment tolls).
- SR 520 and I-90 are tolled – tolling begins in 2016 when the SR 520 corridor is complete (includes segment tolls for SR 520 and I-90).
- SR 520 and I-90 are tolled – tolling the existing SR 520 Bridge begins in 2010 (includes segment tolls beginning in 2010 on SR 520 and I-90).

Mr. Hopkins provided an overview of the four tolling scenarios considered and the amount of funding that might come from the tolls. He also highlighted an analysis of public comments taken from public meetings and surveys.

Commissioner's expressed concerns with the tolling scenarios as well as the data analysis provided and what the impact of tolling would be on traffic diversion.

Commissioner Ford explained that he has concerns with tolling SR 520 only because there will be substantial diversion to I-90. This would certainly impact freight traffic.

Next steps will be to survey both bridge users and hold public meetings along with web surveys and lastly compile a summary of comments for presentation to the Governor and the Legislature. This presentation in its entirety may be viewed at:

http://wstc.wa.gov/AgendasMinutes/agendas/2008/Oct21/Oct21_22_BP13_TollingImpComBriefing.pdf

PUBLIC EMPLOYMENT RELATIONS COMMISSION DECISION

Jeff Pelton, Manager, Human Resources, WSDOT, noted that presentation had previously been given to the Commission regarding this PERC decision that found the Department had committed some violations relative to direct dealing. In an attempt to try to comply with the ruling portions of the decision were read which were thought to be in compliance. However PERC determined that the entire ruling must be read at the Commission meeting and noted the minutes.

VERBATIM

On April 1, 2008 PERC had a ruling on an occurrence in June 15, 2006. A maintenance supervisor in Eastern Region was experiencing a workload peak and he also in addition to having a workload peak was missing certain staff due to injury and illness within his group. The maintenance office had several vehicles which required clutch repair, which is work that's traditionally performed by maintenance folks in that area that are federation employees (WFSE). Management kind of huddled and made the determination that since they had these employees out and they needed that work accomplished that they would go ahead and contract out that portion of the work – the clutch work. The attempt in effort to contact the union was to bring the remaining employees, which included a shop steward, into the office and notify them and let them know what they were going to be doing.

Unfortunately that was in violation of state RCW because they didn't actually notify the union PERC decided, or made the determination that we had violated the law and issued a decision as such. Based on this decision, that's kind of why I'm here today, the PERC obviously is the people that are empowered to make such decisions on collective bargaining law and they issued the appropriate remedy and order for us to read here today and I'm prepared to do that now to satisfy that request. Do you have any questions before I proceed? It's kind of a formality, but I want to make sure that we're fully in compliance with the directives that we received from the Public Employee Relations Commission. I will ask that this is entered into the meeting minutes for purposes. It's one of the remedies.

Case number 20815U065305 Public Employment Relations Commission Notice.

The Washington Public Employment Relations Commission conducted legal proceedings in which all parties had the opportunity to present evidence and argument. The Commission ruled that we committed unfair labor practices in violation of state collective bargaining laws and ordered us to post this notice to employees. We unlawfully failed to notify and offer the opportunity to bargain to the exclusive bargaining representative of the employees in the main maintenance shop of Eastern Region of the Department of Transportation in Spokane regarding the contracting out of bargaining unit work and circumvented the Washington Federation of State Employees by direct dealing with the employees of said bargaining unit. To remedy our unfair labor practices we will give notice to and upon request negotiate in good faith with the Washington Federation of State Employees concerning the contracting out of bargaining unit work of clutch repair. We will post copies of the notice attached to this order in conspicuous places on the employer's premises where notices to all bargaining unit members are usually posted. These notices shall be duly signed by authorized representative of the respondent and shall remain posted for 60 consecutive days from the date of initial posting. The respondent shall take reasonable steps to ensure that such notices are not removed, altered, defaced or covered by other material. We will read the notice attached to this order into the record at the public meeting of the Transportation Commission and permanently append a copy of the notice to the official minutes of the meeting where the notice is read as required by this paragraph. We will not in any other manner interfere with, restrain or coerce our employees in the exercise of their collective bargaining rights under the laws of the State of Washington.

Dated April 8, 2008

Washington Department of Transportation

Signed by Kermit B. Wooden, authorized representative

This is an official notice and must not be defaced by anyone. The notice must remain posted for 60 consecutive days. It must not be altered or covered by any other material. Questions about this notice or compliance with the Commission's order may be directed to the Public Employment Relations Commission, 112 Henry Street NE, Suite 300, PO Box 40919, Olympia, Washington, 98504-0919. Telephone 360-570-7300.

The full decision will be published on PERC's website at: www.PERC.wa.gov

As far as the remedies for unfair labor practices this completes our compliance portion with the complete reading of this. We have already made our posting in early May once we received the request and it remained posted near all of our labor law posters in each region at each maintenance shop for 60 consecutive days. We obviously have put processes into place to ensure that this does not happen again.

Commissioner Forner asked if the Commission is required to respond.

Mr. Pelton responded that other than reading it into the record and providing a signed copy of the meeting minutes to be provided to the PERC to ensure compliance, there are no other requests.

SECRETARY'S REPORT

Secretary Hammond explained that the next steps will be to select new scenarios and hold public meetings along with web surveys and lastly compile a summary of comments for presentation to the Governor and the Legislature.

She moved on to reflect directly on the "Moving Washington" plan and how that incorporates our corridors and congestion relief. Effective transportation is critical to maintaining our economy, environment and quality of life. "Moving Washington" is WSDOT's vision of investments and priorities for the next 10 years. It integrates new capacity, efficiencies and commute options to address congestion head-on and improve the performance of our state's transportation system. The program's primary objective is mobility, one of the state Legislature's five transportation priorities along with preserving our transportation infrastructure, making the system safe for all, ensuring environmental sustainability and practicing sound stewardship.

She provided a high-clipped overview of the Department's Supplemental Budget and the 2009-2011 Budget.

The Climate Action Team has provided its recommendations to the Governor. The team endorsed Vehicle Miles Traveled (VMT) as tool for reducing greenhouse gases.

She shared that the Department is putting together a Q & A and an impact analysis in the event that Initiative 985 were to pass.

HIGHWAYS OF STATEWIDE SIGNIFICANCE (HSS) UPDATE

Elizabeth Robbins, Manager, Transportation Planning Office, WSDOT, provided an overview of the 1991 Growth Management Act (GMA). During the 1993 interim, the Legislature studied the relationship between state transportation planning and local GMA plans. Out of this came key recommendations that certain state-wide routes would have statewide significance with the state playing the lead role. Regional planning organizations and local governments would have more input into the planning process.

WSDOT has provided the RTPO's with the criteria for HSS routes and solicited nominations using Legislative criteria. WSDOT is reviewing the current system and nominations, and will make recommendations to the Secretary. Preliminary recommendations are that the following be designated as HSS.

- SR 11 (from Alaska ferry terminal to junction with I-5)
- SR 529 (from Port of Everett to junction with I-5)
- SR 599 (from start at Boeing Field to junction I-5)

PUBLIC COMMENT

Paul Lock, citizen, shared he supports Initiative 985. He has concerns with how toll revenues are used. Tolls revenues collected should be used for the project that has been tolled and not used elsewhere.

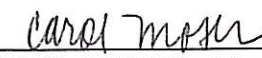
The Commission meeting adjourned at 5 p.m., on October 22, 2008.

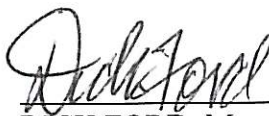
WASHINGTON STATE TRANSPORTATION COMMISSION


DAN O'NEAL, Chair


ELMIRA FORNER, Vice-Chair

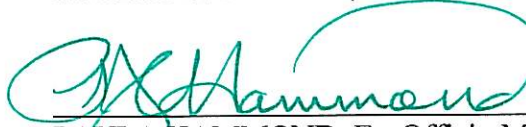

PHILIP A. PARKER, Member


CAROL MOSER, Member


DICK FORD, Member


ROBERT S. DISTLER, Member

ABSENT
LATISHA HILL, Member


PAULA HAMMOND, Ex-Officio Member
Secretary of Transportation


JENNIFER ZIEGLER, Governor's Office

ATTEST: 
REEMA GRIFFITH, Executive Director


DATE OF APPROVAL

VIOLATION OF STATE COLLECTIVE BARGAINING LAWS, AND ORDERED US TO POST THIS NOTICE TO EMPLOYEES:

WE UNLAWFULLY failed to notify and offer the opportunity to bargain to the exclusive bargaining representative of the employees in the main maintenance shop of the Eastern Region of the Department of Transportation in Spokane regarding the contracting-out of bargaining unit work, and circumvented the Washington Federation of State Employees by direct dealing with the employees of said bargaining unit.

TO REMEDY OUR UNFAIR LABOR PRACTICES:

WE WILL give notice to and upon request, negotiate in good faith with the Washington Federation of State Employees concerning the contracting out of the bargaining unit work of clutch repair.

WE WILL post copies of the notice attached to this order in conspicuous places on the employer's premises where notices to all bargaining unit members are usually posted. These notices shall be duly signed by an authorized representative of the respondent, and shall remain posted for 60 consecutive days from the date of initial posting. The respondent shall take reasonable steps to ensure that such notices are not removed, altered, defaced, or covered by other material.

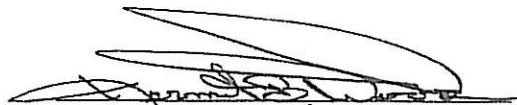
WE WILL read the notice attached to this order into the record at the regular public meeting of the Transportation Commission, and permanently append a copy of the notice to the official minutes of the meeting where the notice is read as required by this paragraph.

WE WILL NOT in any other manner, interfere with, restrain, or coerce our employees in the exercise of their collective bargaining rights under the laws of the State of Washington.

DATED: 4/8/08

WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION

BY:


Authorized Representative

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE.

This notice must remain posted for 60 consecutive days, and must not be altered or covered by any other material. Questions about this notice or compliance with the Commission's order may be directed to the Public Employment Relations Commission (PERC), 112 Henry Street NE, Suite 300, PO Box 40919, Olympia, Washington 98504-0919. Telephone: (360) 570-7300. The full decision will be published on PERC's web site, www.perc.wa.gov.